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Defendant PJAM LLC and Counterclaim
Defendants JEFFERSON AGAR, ALEX
MARTINI and PATRICK JOHNSTON

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

PJAM LLC,
Plaintiff,
vs.
XX GLOBAL, INC., JACQUES
WEBSTER, and DOES 1-20,
inclusive,
Defendants.

CASE NO. 2:18-cv-03192 JFW
(MRWx)

Judge: John F. Walter

**DECLARATION OF STEPHEN J.
TOMASULO IN RESPONSE TO
JANUARY 2, 2019 ORDER TO
SHOW CAUSE**

OSC Date: January 7, 2019

Action Commenced: March 20, 2018

Trial Date: April 9, 2019

XX GLOBAL, INC. and JACQUES
WEBSTER,
Counterclaimants,
vs.
PJAM LLC, JEFFERSON AGAR,
ALEX MARTINI, PATRICK
JOHNSTON, and ROES 1 through
10, inclusive,
Counterclaim Defendants.

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1 I, Stephen J. Tomasulo, declare:

2 1. I am an attorney at law licensed to practice before the Courts of the
3 State of California and before this Court. I am a partner with the law firm of Hill,
4 Farrer & Burrill LLP, attorneys of record for Plaintiff and Counterclaim Defendant
5 PJAM LLC and Counterclaim Defendants Patrick Johnston, Jefferson Agar and
6 Alex Martini. I am lead counsel for these parties in this litigation.

7 2. The facts stated herein are within my personal knowledge. If called as
8 a witness herein, I could and would testify competently thereto.

9 3. Since approximately August of 2018, I have been discussing the
10 possibility of resolving this case with Matt Cave, attorney for Defendants and
11 Counterclaimants Jacques Webster and XX Global, Inc. Our discussions have
12 included many attempts to schedule a mediation. However, the schedules of our
13 respective clients have made this more challenging than either of us anticipated.
14 These schedules also made it more challenging to complete the discovery necessary
15 to have a meaningful mediation. Despite these challenges, my interactions with Mr.
16 Cave and his firm have been polite, professional and productive.

17 4. Mr. Webster (who performs under the name Travis Scott) is a famous
18 performing artist. Mr. Cave has repeatedly advised me that Mr. Webster has a
19 hectic performance schedule that includes shows all over the country. My
20 independent research confirms that Mr. Cave's representations are accurate. My
21 clients reside in different states and also have busy work schedules. In particular,
22 my understanding is that Mr. Martini has investments and other professional
23 interests in countries other than the United States and that he has been in Europe
24 since November of 2018.

25 5. We have now scheduled a mediation in front of Judge Haberfeld for
26 January 17, 2019.

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6. I apologize to the court for failing to comply with its order. This was not the product of gamesmanship or an attempt to gain a litigation advantage for my clients. In what was a regrettable mistake, I wanted to actually schedule the mediation before submitting a report to the Court so that there would be some substance to what was submitted to the Court. Unfortunately, that process dragged on much longer than anticipated. I apologize to the Court for my non-compliance and for any inconvenience this has caused.

Executed January 7, 2019, at Los Angeles, California.

HFB 2008168.1 P6550002

CV 18-3192-JFW (MRWX)

PROOF OF SERVICE

I, MONICA MAKIYAMA declare:

I am a resident of the state of California and over the age of eighteen years, and not a party to the within action; my business address is Hill, Farrer & Burrill LLP, One California Plaza, 37th Floor, 300 South Grand Avenue, Los Angeles, California 90071-3147. On January 7, 2019, I served true copies of the following document(s) described below on the interested parties as follows:

DECLARATION OF STEPHEN J. TOMASULO IN RESPONSE TO JANUARY 2, 2019 ORDER TO SHOW CAUSE**BY CM/ECF NOTICE OF ELECTRONIC FILING: I**

electronically filed the document(s) with the Clerk of the court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.



by placing the document(s) listed above in a sealed _____ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a _____ agent for delivery.



by electronic mail: I transmitted a true copy of such document(s) described above, via electronic mail to: see attached service list below.

Howard E. King, Esq.
Matthew J. Cave, Esq.
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I declare under penalty of perjury under the laws of the United States of America California that the above is true and correct and that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on January 7, 2019, at Los Angeles, California.

/s/ Monica Makiyama
MONICA MAKIYAMA